

1978 No. 506

**LAND DRAINAGE**

**The Severn-Trent Water Authority (Abolition of the Baggymoor  
Drainage District) Order 1978**

*Made* . . . . . 14th February 1978

*Coming into Operation* . . . . . 28th March 1978

Whereas before 17th January 1977 the Severn-Trent Water Authority prepared and submitted to the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") for confirmation a Scheme (hereinafter called "the Scheme") under section 4(1)(b) of the Land Drainage Act 1930(a), as amended and applied by the Water Act 1973(b), in relation to the Baggymoor Drainage District;

And whereas, by virtue of section 117(1) of, and paragraph 6 of Schedule 6 to, the Land Drainage Act 1976(c) (which Act came into force on 17th January 1977), as from 17th January 1977 the Scheme is treated as having been prepared and submitted to the Minister for confirmation under section 11(1) of the Land Drainage Act 1976;

And whereas the Minister has decided to confirm the Scheme subject to the modifications set out in Article 3 of this Order;

And whereas a copy of the Scheme with the said modifications incorporated therein is annexed hereto;

Now, therefore, the Minister, in exercise of the powers conferred upon him by sections 11(4) and 109(6) of the Land Drainage Act 1976 and of every other power enabling him in that behalf, hereby orders as follows:—

1. This Order, which may be cited as the Severn-Trent Water Authority (Abolition of the Baggymoor Drainage District) Order 1978, shall, unless subject to special parliamentary procedure, come into operation on the date of its confirmation by the Minister.

2. The Interpretation Act 1889(d) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. The Scheme is hereby confirmed subject to the following modifications:—

(1) in the heading, immediately below "Water Act 1973" there shall be inserted the words "Land Drainage Act 1976";

(2) for paragraph 1 there shall be substituted the following paragraph:—

"1. The Baggymoor Drainage District being the drainage district commonly known by that name constituted by the Act

17 Geo. III Cap. 124 (Private) (An Act for Dividing and Inclosing the Moors, Commons, or Waste Grounds within the Manors of Baschurch, Hordley, Stanwardine-in-the-Wood, Weston Lullingfield, and Stanwardine-in-the-Fields, or some of them, in the County of Salop) (hereinafter referred to as "the Act of 1777") and subsequently enlarged by the Act 24 Vict. Cap. xlviii (An Act for the better Drainage and Improvement of certain Low Lands and Grounds, formerly Common, within the Manors of Baschurch, Hordley, Stanwardine-in-the-Wood, Weston Lullingfield, and Stanwardine-in-the-Fields, and of certain other Lands adjoining or near thereto, all situate in the County of Salop) (hereinafter called "the Act of 1861") and the Baggymoor Drainage Commissioners (commonly known as the Baggymoor Drainage Board and hereinafter referred to as "the Drainage Board") shall be abolished and all such rights, powers, duties, obligations, liabilities and property (including in particular, but without prejudice to the generality of that expression, books of account, other books, deeds, maps, papers and other documents) as were immediately before the appointed day vested in or to be discharged by the Drainage Board shall be transferred to and be vested in or be discharged by the Authority except the rights, powers, duties, obligations and liabilities of the Drainage Board under the Act of 1777, the Award made on 14th March 1783 in pursuance of the Act of 1777 and the Act of 1861 other than sections 30 and 35 of the Act of 1861 and for the purpose of this Scheme sections 30 and 35 of the Act of 1861 shall apply as if the references in those sections to the Commissioners therein mentioned were references to the Authority.";

- (3) in paragraph 3 for the words from "sections" to the end there shall be substituted the following words:—

"section 48 of the Land Drainage Act 1976.";

- (4) in paragraph 4 after the word "Authority" there shall be inserted the following words:—

"and any arrears of rates outstanding at the appointed day shall be paid to, and be recoverable by, the Authority.";

- (5) for paragraph 5 there shall be substituted the following paragraph:—

"5. In relation to this Scheme, the compensating authority for the purpose of the Land Drainage (Compensation) Regulations 1977(a) shall be the Authority."

4. The expenses of the Minister in connection with the making and confirmation of this Order shall be borne by the Severn-Trent Water Authority and shall be part of the administrative expenses of that Authority.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 14th February 1978.

(L.S.)

(Sgd.) *A. F. Longworth*,  
Assistant Secretary.

LAND DRAINAGE ACT 1930  
WATER ACT 1973  
LAND DRAINAGE ACT 1976  
SEVERN-TRENT WATER AUTHORITY  
ABOLITION OF THE BAGGYMOOR DRAINAGE BOARD  
AND DISTRICT

The Severn-Trent Water Authority (hereinafter called "the Authority") have prepared the following Scheme under section 4(1)(b) of the Land Drainage Act 1930, as amended and applied by the Water Act 1973, and submit it to the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") for confirmation under section 4(3) of the said Act of 1930.

SCHEME

On a day to be appointed by the Minister (which day is hereinafter referred to as "the appointed day") the following provisions shall have effect:—

1. The Baggymoor Drainage District being the drainage district commonly known by that name constituted by the Act 17 Geo. III Cap. 124 (Private) (An Act for Dividing and Inclosing the Moors, Commons, or Waste Grounds within the Manors of Baschurch, Hordley, Stanwardine-in-the-Wood, Weston Lullingfield and Stanwardine-in-the-Fields, or some of them, in the County of Salop) (hereinafter referred to as "the Act of 1777") and subsequently enlarged by the Act 24 Vict. Cap. xviii (An Act for the better Drainage and Improvement of certain Low Lands and Grounds, formerly Common, within the Manors of Baschurch, Hordley, Stanwardine-in-the-Wood, Weston Lullingfield, and Stanwardine-in-the-Fields, and of certain other Lands adjoining or near thereto, all situate in the County of Salop) (hereinafter called "the Act of 1861") and the Baggymoor Drainage Commissioners (commonly known as the Baggymoor Drainage Board and hereinafter referred to as "the Drainage Board") shall be abolished and all such rights, powers, duties, obligations, liabilities and property (including in particular, but without prejudice to the generality of that expression, books of account, other books, deeds, maps, papers and other documents) as were immediately before the appointed day vested in or to be discharged by the Drainage Board shall be transferred to and be vested in or be discharged by the Authority except the rights, powers, duties, obligations and liabilities of the Drainage Board under the Act of 1777, the Award made on 14th March 1783 in pursuance of the Act of 1777 and the Act of 1861 other than sections 30 and 35 of the Act of 1861 and for the purpose of this Scheme sections 30 and 35 of the Act of 1861 shall apply as if the references in those sections to the Commissioners therein mentioned were references to the Authority.

2. The accounts of the Drainage Board shall be made up to the appointed day and shall be audited in like manner and subject to the like incidents and consequences as if this Scheme had not been made: provided that any sum certified by a District Auditor at any such audit as due from any person shall be paid to the Authority.

3. Any monies transferred to the Authority being the balance of the drainage rates levied by the Drainage Board or any other assets so transferred shall be applied by the Authority as if the same were the proceeds of a general drainage charge levied by them under the provisions of section 48 of the Land Drainage Act 1976.

4. Any debts due from the operations of the Drainage Board immediately before the appointed day shall be discharged by the Authority and any arrears of rates outstanding at the appointed day should be paid to, and be recoverable by, the Authority.

5. In relation to this Scheme, the compensating authority for the purpose of the Land Drainage (Compensation) Regulations 1977 shall be the Authority.

6. As respects any matter transferred under this Scheme the Scheme shall operate as conclusive evidence of the transfer without the necessity of any further assignment or deed of transfer.

IN WITNESS whereof the Common Seal of the Severn-Trent Water Authority was hereunto affixed this second day of December One thousand nine hundred and Seventy-six.

THE COMMON SEAL of the SEVERN-TRENT  
WATER AUTHORITY was hereunto affixed  
in the presence of: }

(L.S.)

(Sgd.) *William Dugdale*, Chairman.

(Sgd.) *J. Stevenson*, Director of Administration.

Whereas the foregoing Order has been published by the Minister of Agriculture, Fisheries and Food in accordance with the procedure prescribed by the Land Drainage Act 1976;

And whereas no memorial against the Order has been presented to the Minister;

Now, therefore, the Minister, in pursuance of the powers in the said Order recited, hereby confirms the said Order.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th March 1978.

(L.S.)

(Sgd.) *A. F. Longworth*, Assistant Secretary.

Whereas the Scheme confirmed by the Severn-Trent Water Authority (Abolition of the Baggymoor Drainage District) Order 1978 provides that the appointed day therein mentioned shall be a day to be appointed by the Minister of Agriculture, Fisheries and Food;

Now, therefore, the Minister of Agriculture, Fisheries and Food hereby appoints the 1st April 1978 to be the said appointed day.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th March 1978.

(L.S.)

(Sgd.) *A. F. Longworth*, Assistant Secretary.

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### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order, made by the Minister of Agriculture, Fisheries and Food, confirms, with modifications, a Scheme submitted to him by the Severn-Trent Water Authority for the abolition, on a day to be appointed by the Minister, of the Baggymoor Drainage District (constituted by the Acts 17 Geo. III Cap. 124 and 24 Vict. Cap. xlviii) and the Drainage Board thereof. The Scheme provides that, in relation thereto, the compensating authority for the purpose of the Land Drainage (Compensation) Regulations 1977 shall be the Severn-Trent Water Authority. On the appointed day all the rights and property of the Baggymoor Drainage Board and any liabilities or obligations to be discharged by them will be transferred to or be discharged by the Severn-Trent Water Authority.

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